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UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF LOUISIANA

SHREVEPORT DIVISION

HAROLD JOE BLACK

versus

CIVIL ACTION NO. 06-0930
JUDGE TOM STAGG

STATE OF LOUISIANA

MEMORANDUM ORDER

Before the court is the plaintiff's appeal (Record Document 9) of Magistrate Judge Mark Hornsby's Order of October 11, 2006 (Record Document 6), vacating a memorandum order granting the plaintiff in forma pauperis status. Any party may appeal a magistrate judge's ruling on a non-dispositive matter to a district court judge under Rule 72(a) of the Federal Rules of Civil Procedure and Local Rule 74.1 M & W. On appeal, the district judge may "set aside any portion of the order found to be clearly erroneous or contrary to the law." Fed. R. Civ. Proc. 72(a).

The decision by Judge Hornsby to vacate plaintiff's in forma pauperis status is a non-dispositive matter. This action is not listed in 28 U.S.C. § 636(b)(1)(A) as one of the dispositive motions (often referred to as the "excepted motions") that a magistrate judge may not conclusively decide. See Maisonville v. F2 America, Inc.,

902 F.2d 746, 747-748 (9th Cir. 1990) (“[S]ection 636(b)(1)(A) lists those motions which may not be determined by a magistrate. Accordingly, any motion not listed, nor analogous to a motion listed in this category, falls within the non-dispositive group of matters which a magistrate may determine.”).

The court agrees with the Magistrate Judge’s conclusion that Black’s in forma pauperis status should be revoked. As the magistrate accurately pointed out, Black has filed at least twelve lawsuits in this court since 2001 and has had at least three of those in forma pauperis claims dismissed as frivolous. Having thoroughly reviewed the record, including the plaintiff’s appeal from the Magistrate Judge’s ruling, this court finds that the Magistrate Judge’s decision to vacate Black’s in forma pauperis status does not constitute clear error and is not contrary to the law.

Accordingly, **IT IS ORDERED** that Magistrate Judge Hornsby’s Order (Record Document 6) vacating the plaintiff’s in forma pauperis status be and is hereby **AFFIRMED**.

THUS DONE AND SIGNED at Shreveport, Louisiana this the 21st day of November, 2006.



JUDGE TOM STAGGS